SUPREME COURT OF THE UNITED STATES.

No. 194.

THE UNITED STATES, APPELLANTS,

v.

JOSE MARRIANO BONILLA.

APPEAL FROM THE DISTRICT COURT U. S., FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in Case No. 177, Jose Mariano Bonilla, Claimant, *v.* The United States, Defendant, for the place named "San Luis Obispo."

Office of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California.

Be it remembered, that on this thirteenth day of April, Anno Domini one thousand eight hundred and fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board, in the City of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Jose Mariano Bonilla for the place named San Luis Obispo, was presented and ordered to be filed, and docketed with No. 177, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, Oct. 15th, 1852.

In case No. 177, Jose Mariano Bonilla for the place named "San Luis Obispo," the deposition of Ignacio del Valle, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. No. 1, and the translation thereof marked B annexed thereto, was filed.

(Vide page 4 of this transcript.)

San Francisco, April 2d, 1853.

In the same case the deposition of William G. Dana, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 5 of this transcript.)

San Francisco, September 26th, 1853.

Case No. 177 called. Submitted on briefs on both sides, and taken under advisement.

San Francisco, January 20th, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the claim.

(Vide page 10 of this transcript.)

Petition.

To the Honorable Commissioners to Settle Private Land Claims in California.

The petitioner, Jose Mariano Bonilla, respectfully shows:

That, on the 30th day of September, A. D. 1844, Manuel Micheltorena, Governor of California, by virtue of authority in him vested, granted to the petitioner a solar in San Luis Obispo, 200 varas by 100 varas, with the boundaries described in the grant and accompanying map, a copy of which are submitted herewith marked A, with a translation marked "B."

That previous to the date of said grant he was, and ever since has been, and now is, in the quiet and undisputed possession and occupation of the said tract of land.

That the said lot or tract of land has not been surveyed by the Surveyor-General of the United States, but that it is definite in quantity, and its position fully shown in the grant and map.

That he knows of no conflicting claim. That he relies for confirmation upon the original papers, copies of which are submitted herewith, upon the records in the archives in charge of the Surveyor-General, and upon such other and further proofs as he may be advised are necessary.

Wherefore, he prays the Commissioners to confirm to him the said lot of land.

By his Attorneys,

HALLECK, PEACHY, & BILLINGS.

Filed in this office, April 13th, 1852.

GEO. FISHER,
Sect'y.

Deposition of Ignacio del Valle.

Office of the U. S. Land Commission,
Los Angeles, Oct. 15th, 1852.

On this day before Hiland Hall, one of the Commissioners for Ascertaining and Settling Private Land Claims in the State of California, came Ignacio del Valle, a witness produced in behalf of the claimant, Jose Mariano Bonilla, whose petition is No. 177 on the docket of the Board, and was duly sworn. His evidence being given in Spanish, was interpreted by the Secretary.

The U. S. Associate Law Agent was in attendance.

First Question. What is your name, age, and place of residence?

Answer. My name is Ignacio del Valle; my age is 44 years; I reside in Los Angeles, and have lived in California 27 years.

Second Question. Examine the documents before you, marked, and say if you are acquainted with the signatures, if they are genuine, and if the documents are genuine?

Answer. I am acquainted with the signatures of Manuel Micheltorena and Manuel Jimeno; their signatures to this document are genuine, and the document is to the best of my knowledge and belief also genuine. It is hereto annexed, and marked No. 1, H. H.

IGNACIO DEL VALLE.

Sworn and subscribed before me.

HILAND HALL,
Com'r.

Filed in office, Oct. 15, 1852.

GEO. FISHER,
Sec'y.

Deposition of Wm. G. Dana.

San Francisco, April 2d, 1853.

On this day, before Commissioner H. J. Thornton, came Wm. G. Dana, a witness on behalf of the claimant, J. M. Bonilla, petition No. 177, and was duly sworn, his evidence being given in English.

In answer to inquiries by Counsel for the claimant, the witness testified as follows:

My name is William G. Dana; my age is 55 years; I reside in the County of San Luis Obispo, and have lived in California 26 years.

I know the lot in San Luis Obispo, claimed by Bonilla, and described in the title-papers filed in this case; he has a house on it, and has occupied since 1844.

WM. G. DANA.

U. S. Law Agent present.

Sworn to and subscribed before me, this 2d of April, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office, April 2d, 1853.

GEO. FISHER,
Secretary.

"A."

Document No. 1, *H. H., annexed to the deposition of Ignacio del Valle.*

Sello cuarto, Dos Reales.

Habiltado provisionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de los Californias para las anos de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarento y cinco.

MICHELTORENA.
PABLO DE LA GUERRA,
Por ausa. del Admor.
GUILLO. EDO. HARTNELL.

Case 177. Claim of Jose Mariano Bonilla.

Rancho San Luis Obispo.

[ADA. MARTA. DE MONTEREY. PLACE OF THE EAGLE.]

El Ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudte.-Genl. de la Plana Mayor del

Mismo, Gobernador Commdte. Gral. y Inspector del Departa. de Californias.

Por cuanto Don Jose Mariano Bonila ha pretendido por su beneficio personal y el de su familia una suerte de tierra de dos cientos varas de longitud y ciento de latitud, entre los suertes de tierra concedidas a los Sires Marques el arroyo, y conienas bajas que nuran al norveste, practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto que leyes reglamentos, usando delas facultades que me son conferidos a nombre de la Nacion Mejicana, he veindo en conceder la suerte de tierra que se menciona sugetandose a la aprobacion de la Exa. Asamblea Departamental y a los condiciones siguientes.

1a. No podra vendulo, enagenarlo hipotecarlo imponer censo, vinculo, ni otro gravemer alguno.

2a. Podra cercarlo sin perjudicar las tavesias, caminos ni servidumbres, lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le convenga.

3a. El terreno de que se hace donacion es de la estencion que ya se ha mencionada.

El juez que diere la posecion lo hara medir conforme a ordenanza.

4a. Si contravinese a estas condiciones perdera su derecho el terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente, se tome razon en el libro respetivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey, a trienta Setiembre de mil ochocientos cuarenta y cuatro.

MANL. MICHELTA.
MANL. JIMENO,
Scro. del Despacho.

Queda tomada razon de esto despacho en el libro respectivo a fojas 10.

JIMENO.

Filed in office, October 15th, 1852.

GEO. FISHER,
Secretary.

(For map, see original, between pages 7 and 8.)

"*B.*" *Translation of Title.*

Stamp Fourth. Two Reales.

Provisionally authorized by the Maritime Custom-House of the Port of Monterey, in the Department of the Californias, for the years one thousand eight hundred and forty-four, and one thousand eight hundred and forty-five.

(Signed) MICHELTORENA.

(Signed) PABLO DE LA GUERRA,
by W. E. P. HARTNELL.

[Maritime Custom House of Monterey.] Citizen Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant-General of the Staff of the same, Governor, Commanding General, and Inspector of the Department of Californias.

Whereas Don Jose Mariano Bonilla has for his own personal benefit, and that of his family, petitioned for a piece of land two hundred varas long and one hundred wide, between the parcels of land granted to the Sires Marques, the Arroyo and the range of Low Hills, which face to the N. W., the proper measures and examinations being previously made as required by laws and regulations, using the faculties conferred on me, in the name of the Mexican nation, I have granted the aforesaid piece of land, subject to the approval of the Most Excellent Departmental Assembly, and to the following conditions.

1. He may not sell it, alienate or mortgage it, subject it to any tax, entail, or other incumbrance.

2d. He may enclose it without prejudice to the crossings, roads, and servitudes; and enjoy it freely and exclusively, making such use or cultivation of it as he may see fit.

3d. The land granted in donation is of the extent which has been mentioned. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance.

4th. If he shall contravene these conditions he shall lose his right to the land, and it may be denounced by another person.

In consequence, I order that these presents, being held as firm and valid, note to be taken of them in the proper book, and they be delivered to the party interested, for his security, and other purposes.

Given in Monterey, on the thirtieth of September, one thousand eight hundred and forty-four.

(Signed) MANUEL MICHELTORENA.
(Signed) MANUEL JIMENO,
Secretary.

Note has been taken of this order, in the proper book, on folio 10.
(Signed) JIMENO.

Filed in office, April 13, 1852.

GEORGE FISHER,
Secretary.

Opinion.

Solar in San Luis Obispo.

JOSE MARIANO BONILLA
v.
THE UNITED STATES. } Case No. 177.

This is a claim for a suerte or lot of land situated in San Luis Obispo, two hundred varas in length by one hundred in width, which

was granted to the claimant by Governor Manuel Micheltorena, on the 30th September, 1844.

The original grant is in evidence duly proved by the deposition of Ignacio del Valle; there is no approval by the Departmental Assembly, or evidence of judicial possession, but it is proved that the claimant had a house on the lot in 1844, the year the grant bears date, and the boundaries are described in the grant with sufficient certainty to enable the surveyor to locate and survey the land. It is also in proof that the claimant has occupied the lot since the year 1844. The testimony is sufficient to bring the case within the rules laid down by the Board in other cases resting in equity and entitling them to confirmation.

Filed in office, Jan. 24th, 1854.

GEO. FISHER,
Secretary.

Decree.

JOSE MARIANO BONILLA
v.
THE UNITED STATES. } Case No. 177.

Solar in San Luis Obispo.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission, that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is made is situated in San Luis Obispo, and is a lot or suerte two hundred varas in length by one hundred in width, being the same which has been occupied by the claimant since the year 1844, and is bounded as follows: On the northwest by the arroyo, on the northeast and southwest by the parcels of land granted to the Senores Marques, and on the southeast by the low hills two hundred varas from the arroyo.

Reference, for a more particular description, to be had to the grant and map filed with the papers in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office, Jan. 24th, 1854.

GEO. FISHER,
Secretary.

Office of the Board of Commissioners to ascertain and settle Private Land Claims in the State of California.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing eleven pages, numbered from 1 to 11,

both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 177 on the docket of the said Board, wherein Jose Mariano Bonilla is the claimant against the United States, for the place known by the name of "San Luis Obispo."

In testimony whereof I hereunto set my hand and affix my private seal (not having a seal of office), at San Francisco, California, this twelfth day of September, A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

[G. F.]

GEORGE FISHER,
Secretary.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles, December 20th, A. D. 1855.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing twelve pages, numbered from 1 to 12, both inclusive, contain a full, true, and correct copy of transcript No. 177, filed in this office, wherein Jose Mariano Bonilla is appellee, and the United States are appellants, for "Solar in San Luis Obispo."

In witness whereof I have hereunto set my hand, and affixed the seal of said Court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the Independence of the United States of America the eightieth.

[SEAL.]

C. E. CARR,
Clerk.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

JOSE MARIANO BONILLA, Appellee,
v.
THE UNITED STATES, Appellant.

Docket No. 72.
Transcript No. 177.

Be it remembered, that on the 16th day of September, A. D. 1854, in the District Court of the United States for the Southern District of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, in the case wherein Jose Mariano Bonilla is the claimant against the United States for the place named Solar, in San Luis Obispo, was received and filed, and docketed with No. 72, and is as follows, to wit:

(Vide page .)

Los Angeles, January 10th, 1855.

In case No. 72, Jose Mariano Bonilla, for the place named San Luis Obispo, notice of appeal from the Attorney-General of the United States was filed.

(Vide page 3.)

Los Angeles, Aug. 13th, 1855.

In same case, petition for review, by the United States District Attorney for the Southern District of California, was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, Sept. 25th, 1855.

In the same case, the answer of Jose Mariano Bonilla, claimant, was filed.

(Vide page 8.)

Los Angeles, Sept. 27th, 1855.

In the same case, the Court delivered its opinion, confirming the claim, and the following decree was entered, to wit:

(Vide page 9.)

Los Angeles, Oct. 18th, 1855.

In the same case, on motion of the Attorney for the United States, the following order was made, to wit:

(Vide page 11.)

Notice of Appeal.

Office of the Attorney-General of the United States,
Washington, 30th November, 1854.

JOSE MARIANO BONILLA
v.
THE UNITED STATES. } No. 177.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office, on the 30th day of August, 1854, the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States.

(Signed) C. CUSHING,
Attorney-General.

Filed January 10th, 1855.
(Signed) C. E. CARR,
Clerk.

Petition of U. S. for Review.

In the District Court of the United States for the Southern District of California.

Los Angeles County, State of California.

JOSE MARIANO BONILLA
v.
THE UNITED STATES.
} No. 72. (Transcript No. 177.)

To the Honorable Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.

The petition of Pacificus Ord (of Los Angeles County), Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in his proper person, in the name and behalf of the United States, represents as follows:

That heretofore, to wit, on or about the 13th day of April, A. D. 1852, Jose Mariano Bonilla presented a petition to the Commissioners to Ascertain and Settle the Private Land Claims in the State of California, claiming the tract of land called a solar, in San Luis Obispo, in the County of San Luis Obispo, in the words and figures following, viz.:

"The petitioner, Jose Mariano Bonilla, respectfully shows, that on the 30th day of September, A. D. 1844, Manuel Micheltoreno, Governor of California, by virtue of authority in him vested, granted to the petitioner a solar in San Luis Obispo, 200 varas by 100 varas, with the boundaries described in the grant and accompanying map, a copy of which are submitted herewith, marked 'A,' with a translation marked 'B.' That previous to the date of said grant he was, ever since has been, and now is in the quiet and undisputed possession and occupation of the said tract of land. That the said lot or tract of land has not been surveyed by the Surveyor-General of the United States; but that it is definite in quantity, and its position fully shown in the grant and map. That he knows of no conflicting claim. That he relies for confirmation upon the original papers, copies of which are submitted herewith, upon the records in the archives in charge of the Surveyor-General, and upon such other and further proofs as he may be advised are necessary. Wherefore, he prays the Commissioners to confirm to him the said lot of land." Your petitioner further represents, that thereafter, to wit, on the 24th day of January, A. D. 1854, the said Commissioners confirmed, by final decree, the said claim of the said Jose Mariano Bonillo, in the words and figures following, to wit:

"In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed.

"The land of which confirmation is made is situated in San Luis

Obispo, and is a lot or suerte, two hundred varas in length by one hundred in width, being the same which has been occupied by the claimant since the year 1844, and is bounded as follows: on the northwest by the Arroyo, on the northeast and southwest by the parcels of land granted to the Senores Marques, and on the southeast by the low hills, two hundred varas from the Arroyo. Reference for a more particular description to be had to the grant and map filed with the papers in the case.

"ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
"Commissioners."

That thereafter, to wit, on the 16th day of September, A. D. 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 72 (Transcript No. 177); reference to which it is prayed may be had and made a part of this petition. That on the 30th day of August, A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said cause (No. 177), and the papers and evidence on which said decree was founded. That thereafter, to wit, on the 10th day of January, A. D. 1855, the said Attorney-General of the United States filed or caused to be filed on behalf of the United States, a notice with the said Clerk of said District Court for the Southern District of California, that the appeal in said cause of Jose Mariano Bonilla *v.* The United States, from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents that the said land claimed as aforesaid is within the jurisdiction of this Honorable Court. And your petitioner further represents and insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many imperfections of law and evidence apparent in said certified transcript of said cause, now on appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said claim is invalid, and the said decree erroneous, on the following grounds: I. And the said attorney denies all and singular each and every allegation in the said petition of said claimant to said Commissioners of said date; and he further denies that any grant for said land was ever made as alleged in said petition; and he denies further that the

said claimant has shown any or sufficient evidence of the validity of the said claim.

II. That the said alleged grant of Manuel Micheltoreno was made in violation of the 4th article of the colonization law of Mexico, of the 18th of August, A. D. 1824, in this: that the land granted, as alleged by claimant, was and is within ten leagues of the sea-coast, and there is no evidence shown by claimants that the Supreme General Executive power of Mexico previously approved of the colonization of the public lands in Upper California lying within ten leagues of the sea-coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by and in the possession of the Missions of the Territory of Upper California; and it was held and occupied particularly by the Mission of San Luis Obispo, and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th day of August, 1824, and the regulations for the colonization of the territories of Mexico of the 21st November, A. D. 1828.

V. The said alleged grant of Governor Micheltoreno of the date of the 30th of September, 1844, is not upon the lawful stamped paper.

VI. That the description of the said lot of land in said grant is vague and indefinite.

VII. That there is no time designated in said grant within which the said alleged grantee should build a house upon said lot, and occupy it, or cultivate the land.

VIII. That there is no evidence that the said alleged grant of said lot of land was ever approved by the Departmental Assembly of California.

IX. That there is no evidence that the map shown in the record is the original map of the land granted and claimed, and belonging to the original expediente. That the claimant fails to show the records in the Archives of the U. S. Surveyor-General of California, in relation to this grant, referred to in his said petition to said Commissioners.

X. That there is no evidence that the said claimant ever asked for or received the juridical possession of the said lot of land.

XI. That there is no sufficient evidence that the said claimant built a house upon the said lot of land and occupied it within one year from the date of the grant, or that he cultivated the land.

XII. That the claimant shows no definitive grant or title for said lot of land. And no sufficient proof having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made or grounded

thereon; but the said petition ought to have been dismissed, and said claim rejected by said Commissioners, upon the grounds aforesaid.

And the said claimant having no valid right or title, derived from the Spanish or Mexican Government, to the said land claimed by him as aforesaid, the lawful right or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, dated at the city of Guadalupe Hidalgo, February 2d, A.D. 1848.

Wherefore the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the private land claims in the State of California," approved March 3d, A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Jose Mariano Bonilla may be served with a copy of this petition, and that this Honorable Court will review the said decision, or final decree of confirmation, of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Jose Mariano Bonilla, for said land claimed and confirmed as aforesaid; and all such other orders, judgments or decrees, as may be just, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern Dist. of Cal.

Filed August 13th, 1855.
(Signed) C. E. CARR,
Clerk.

Answer.

In the United States District Court, for the Southern District of California.

THE UNITED STATES, Appellant,
v.
J. MARIANO BONILLA, Appellee. } No. 72.

Answer of Appellee.

J. Mariano Bonillo, appellee, appears by his attorneys, and for answer to the petition of the United States filed herein, says:

That his title to the "solar" or lot at San Luis Obispo, as set forth and described in his petition to the Board of Commissioners, and in the documentary and other evidence in this case, is a good and valid title, and he prays this Honorable Court to affirm the decision of the Board of Commissioners, and to decree his title to be valid.

HALLECK, PEACHY & BILLINGS,
Attorney's for Appellee.

Filed Sept. 25th, 1855.

C. E. CARR,
Clerk.
By J. W. ROSS,
Deputy.

Decree.

United States District Court, Southern District of California.

JOSE M. BONILLA, Appellee,
ads.
THE UNITED STATES, Appellants. } No. 72.

Lot in San Luis Obispo.

This cause coming on to be heard at a stated term of said Court, on an appeal from the final decision of the Commissioners to ascertain and settle Private Land Claims in the State of California, under an Act of Congress, approved 3d March, 1851, on the transcript of the proceedings and decision, and of the papers and evidence, on which said decision was founded, and it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard; it is ordered, adjudged, and decreed, that the claim of the appellee is a good and valid claim, and that the same is hereby confirmed to a lot of land situate in San Luis Obispo, two hundred varas in length by one hundred in width, being the same which has been occupied by appellee since 1844, and is bounded on the northwest by the Arroyo, on the northeast and southwest by the parcels of land granted to the Senores Marquis, and on the southeast by the low hills, two hundred varas from the Arroyo; reference for a more particular description being had to the grant and map of file in this case.

M. HALL M'ALLISTER,
Judge Circuit Court U. S. for the Districts of Califa.

Filed Sept. 27th, A.D. 1855.
(Signed) C. E. CARR,
Clerk.

Order of Appeal.

In the United States District Court, for the Southern District of California, Special Term.

Los Angeles, Sept. 1855.

JOSE MARIANO BONILLA, Appellee,
ads.
THE UNITED STATES, Appellants. } No. 72.
Transcript No. 177.

On motion of P. Ord, Attorney of the United States for the Southern District of California, it is ordered by the Court that an appeal be granted the United States to the Supreme Court of the

United States, from the judgment of this Court against the United States, in the above-entitled cause, rendered on or about the 27th day of September, A.D. 1855.

(Signed) P. ORD,
U. S. District Attorney.

Filed October 18th, 1855.

(Signed) C. E. CARR,
Clerk.

United States District Court, Southern District of California,
Clerk's Office, Los Angeles.

Los Angeles, Dec. 20th, 1855.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing 11 pages, numbered from 1 to 11, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Court, of the documentary evidence and of testimony of witnesses upon which the same is founded, on file in this office, in case No. 72 on the docket of the said Court, wherein Jose Mariano Bonilla is appellee, and the United States are appellants for solar in San Luis Obispo.

[SEAL.] In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Los Angeles, California, this twentieth day of December, A.D. 1855, and of the Independence of the United States of America the eightieth.

C. E. CARR,
Clerk.